

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MARTIN EVERETT RIVERS,

CV. 06-38-ST

Plaintiff,

ORDER TO DISMISS

v.

KAREN MARKS and BERNIE GIUSTO,

Defendants.

STEWART, Magistrate Judge.

On March 3, 2006, the court dismissed plaintiff's Complaint (docket #2) for failure to state a claim and ordered him to file an amended complaint curing various deficiencies within 30 days. The court also advised plaintiff that he could elect to dismiss this case, without prejudice.

On March 28, 2006, plaintiff filed a Motion to Withdraw Complaint (docket #9) in which he asks the court to dismiss this action and allow him leave to refile within 20 months. The court GRANTS plaintiff's Motion and DISMISSES this action. Plaintiff is granted leave to reopen the case upon the filing of an amended

complaint within 20 months. The statute of limitations is tolled pending the filing of an amended complaint.

IT IS SO ORDERED.

DATED this 13th day of April, 2006.

/s/ Janice M. Stewart  
Janice M. Stewart  
United States Magistrate Judge